



CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6194 FAX (562)570-6068

March 16, 2006

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Request for approval of a Lot Merger, Sign Standards Waiver for signage located above the awning, and Site Plan Review to construct a one-story 11,843 square foot commercial building with a Standards Variance request to locate a two-way driveway on Marshall Place with a reduced setback from the intersection of Atlantic Avenue and an architectural element over 28' in height. (Council District 8)

LOCATION: 4000-4040 Atlantic Avenue

APPLICANT: Highland Carwash, LLC
c/o Alan Burks
235 E. Broadway #406
Long Beach, CA 90802

RECOMMENDATION

1. Certify Mitigated Negative Declaration 02-06, and
2. Approve the Site Plan Review, Lot Merger, Sign Standards Waiver and Standards Variance requests, subject to conditions.

REASONS FOR RECOMMENDATION

1. The proposed building is consistent with the special development standards of the Neighborhood Pedestrian District (CNP) and the North Long Beach Design Guidelines for commercial development.
2. The proposed project will remove a nonconforming auto-related use and replace it with a conforming commercial use with code-required parking.
3. Approval of the Standards Variance request for a reduced driveway setback on Marshall Place from the intersection of Atlantic Avenue will allow all vehicle access from the side street and alley which is consistent with the redevelopment guidelines and will also minimize pedestrian conflicts. The driveway location has

been reviewed and approved by the City Traffic Engineer. The over height architectural element will enhance the corner element of the building and provide variation in the roofline similar to other buildings on Atlantic Avenue.

4. No negative impacts are anticipated with the approval of this project.

BACKGROUND

The subject site is located on the east side of Atlantic Avenue, between Marshall Place and Carson Street. The site is one block long and approximately 32,221 square feet (122.5' by 265') and consists of five lots (lots 19-23). A 20' wide north/south alley is located to the rear of the site and separates this site from residential uses to the east. Existing improvements include a one-story gas station with attached auto repair bays built in 1962 on the northern portion of the site. A restaurant located on the southern portion of the site built in 1965 was demolished in 1996. All existing improvements will be demolished for construction of the new building.

The plans call for the construction of a one-story, 11,843 square foot commercial shopping center with approximately fifty-nine (59) on-site parking spaces. The shopping center consists of two detached buildings with a 20'0" wide open plaza area between the buildings that acts as an entry to the project complex and provides access to the parking lot located at the rear of the buildings. The number of tenant lease areas is undetermined at this time, but will likely range from two to approximately five or six. Proposed uses are consistent with those listed in the CNP zone. Both buildings are built at or within 2'6" of the property line on Atlantic Avenue and Carson Street. The northern-most building, identified as Retail A, is L-shaped and built to the Atlantic Avenue and Carson Street property lines. The southern building, Retail B, is rectangular in shape and also built to the front property line on Atlantic Avenue and south property line on Marshall Place. Parking is located behind the building and accessed from the alley to the rear and a two-way driveway on Marshall Place. No vehicle access is provided from Carson Street or Atlantic Avenue.

An area for seating is provided between the buildings and includes a proposed art element. Retail building A is 8,309 square feet and building B is 3,517 square feet. The building design is consistent with the CNP zoning designation which calls for buildings to be built at the front property line with parking to the side or rear. Parking is accessed off Marshall Place or from the alley to the rear. The building complies with the design guidelines in that it provides a variety of vertical elements including pilasters and change of plane to identify potential individual tenant spaces, as well as a series of horizontal elements proposed to incorporate signage, that all serve to provide a dynamic design that activates the street frontage. The building design is enhanced by the variety and configuration of materials including smooth stucco, cement siding, brushed stainless steel awnings, metal, and concrete. The slight setbacks along the street elevations are provided where there is a change in color and/or materials, and architectural elements with varying heights are used to emphasize the corner elements, identify the project entry, and provide interest and articulation on the elevations.

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The applicant has worked closely with planning staff and the City's Urban Design Officer to refine the building design and address staff's concerns. These include better integrating the vertical corner elements of the building into the design, requiring a change in the building setback where a change in the use of materials or color occurs, ensuring the overall building composition is sensitive to the site, and relocating the trash enclosure away from the street to a more central location on the lot. City staff strongly supports the project and believes this building will be an asset to the community and will create an attractive place for gathering.

Parking for commercial clusters is four (4) parking spaces for every 1,000 square feet of gross floor area (GFA). A commercial cluster is defined as a commercial land use with three (3) or more tenant spaces with less than 60,000 square feet of GFA, but without open parking between the building and street. The proposed 11,843 square foot building would require forty-eight (48) on-site parking spaces. Therefore, eleven (11) additional parking spaces are provided. No more than 50% of the floor area can be devoted to restaurants or other higher intensity uses without calculating their parking requirements separately. If there are only two tenants, parking is calculated based on these two uses as listed in Chapter 21.41 of the Zoning Code.

The project was presented to the officers of the Bixby Knolls Business Improvement Association earlier this year and to the community on March 1, 2006. Approximately 50 individuals attended the community meeting, including the Community Planner and 8th District Councilmember. The majority of comments for this project concerned potential traffic impacts including speeding in the alley, traffic exiting the shopping center and driving through the residential neighborhoods to the east in order to reach a traffic light on Atlantic Avenue, pedestrian access across Atlantic Avenue, and providing adequate parking so there is no spillover of cars into the neighborhood. The streets where there was the most concern regarding traffic were Marshall Place, Lime Avenue, and Olive Avenue. The City Traffic Engineer has reviewed the plans and suggested a condition of approval be added that would measure traffic counts before the project is built and after it is fully occupied to determine if there is an increase in traffic that would warrant additional traffic measures (condition number 29).

The following table summarizes the Zoning, General Plan, and land uses surrounding the subject site:

	ZONING	GENERAL PLAN	LAND USE
SITE	CNP	LUD # 8A- Traditional Retail Strip Commercial	Commercial –Gas Station
NORTH	CNP	LUD # 8A- Traditional Retail Strip Commercial	Commercial
SOUTH	CNP	LUD # 8A- Traditional Retail Strip Commercial	Commercial
EAST	R-3-S/R-1-N	LUD # 3B Moderate Density Residential District	Residential

WEST	CNP	LUD # 8A- Traditional Retail Strip Commercial	Commercial
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CURRENT ACTION REQUESTED

The current action requested is the approval of a Site Plan Review, Sign Standards Waiver, Lot Merger and Standards Variances for the purpose of constructing a one-story commercial building. The variance requests include an over-height architectural element and reduced driveway location on Marshall Place from Atlantic Avenue. In addition, a lot merger is being requested to merge the five separate lots into one parcel.

In order to grant approval of the requests, it must be found that the proposed action is consistent with the requirements of the Zoning Code.

Such requests may be granted only when favorable findings, as specified in Section 21.25.506 (Site Plan Review) and 21.25. 306 (Standards Variance) are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

STANDARDS VARIANCE FINDINGS

A. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE;

The subject site is located at the southeast corner of Atlantic Avenue and Carson Street, two major arterial streets. A 20' wide north/south alley is located to the rear of the site and the street to the south is a collector street. The subject site consists of five individual lots that will be merged into one 32,221 square foot lot. All existing improvements will be demolished. The CNP zone requires buildings to be built to the front and street side property lines with parking located behind the building. This standard requires the driveway be located off the collector street. The relatively shallow lot depth of 122.5 feet, location of the site on two major arterial streets, and requirement for parking behind the building create a unique situation in locating the driveway when compared to other sites in the same zone.

B. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS;

The shallow lot depth and location on two major arterial streets creates a unique situation for the development of this site. The City Traffic Engineer has reviewed the plans and supports the variance request for the driveway location, which is approximately 10' less than the code requirement. A unique situation is created by the lot depth, requirements of the CNP zone to locate the parking behind the building and location on two major arterial streets. The existing curb cuts on Atlantic Avenue and Carson Street are nonconforming and will be removed. Approval of this request will create a safer environment for both pedestrians and vehicles.

The request for an over height architectural element at the intersection of Carson Street and Atlantic Avenue, a very prominent corner in Bixby Knolls, and at the center of the building is consistent with the existing architecture of the Atlantic Avenue corridor and will provide variation in the roofline. The North Long Beach Redevelopment Guidelines encourage taller architectural elements, such as a tower or two-story structure at the corner of the building. The proposed design complies with these standards.

C. THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND

Approval of the two-way driveway on Marshall Place, which is 10' closer to the intersection than permitted by code, has been reviewed and approved by the City Traffic Engineer. No adverse impacts are anticipated by the approval of the curb cut location. Additionally, all nonconforming curb cuts on Atlantic Avenue and Carson Street will be removed creating a safer environment for pedestrians and minimizing pedestrian conflicts.

Approval of the over-height architectural element at the corner and center of the building is not expected to cause any adverse effects to the community. These over-height elements are near the front property line and are similar to many other building elements on the Atlantic Avenue corridor built in the 1940's and 1950's.

D. IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.

The subject site is not located within the Coastal Zone.

SITE PLAN REVIEW FINDINGS

1. **The design is harmonious, consistent and complete within itself and is compatible in design, character and scale, with neighboring structures and the community in which it is located;**

The proposed one-story shopping center is consistent within itself and compatible in design, scale and character with the surrounding neighborhood. The one-story commercial center built with parking to the rear is consistent with the majority of buildings in the CNP zone built to the front property line. The building is pedestrian oriented with large glass storefront windows, structural pilasters to break up the facade, awnings to provide shade and articulation, and use of varying colors and materials.

2. **The design conforms to any applicable special design guidelines adopted by the Planning Commission or specific plan requirements, such as design guidelines for R-3 and R-4 multi-family development, the downtown guidelines, PD guidelines or the General Plan;**

Chapter 21.32.230 of the Long Beach Municipal Code has special design standards for the CNP, CNA, and CNR districts. These standards are designed to require extensive articulation to create visual interest and enhance pedestrian activity on the street. The standards require a facade to be broken up with pilasters, structural bays, with substantial use of glass for storefront windows. The project is also located in the North Long Beach Redevelopment Area. These guidelines have similar standards designed for pedestrian-oriented uses. The proposed building complies with these standards and has been reviewed by the City's Urban Design Officer for compliance.

3. **The design will not remove significant mature trees or street trees, unless no alternative design is possible;**

The design will not remove significant landscaping, as there is no landscaping on the site. Improvements consist of a gas station and vacant lot.

4. **There is an essential nexus between the public improvement requirements established by the ordinance and the likely impacts of the proposed development; and**

The proposed improvements in the right-of-way are necessary to provide safe and efficient access to the proposed project.

5. **The project conforms to all requirements set forth in Chapter 21.64 (Transportation Demand Management), which requirements are summarized in table 25-1.**

Not applicable.

SIGN STANDARDS WAIVER FINDINGS

1. **The proposed signs enhance the theme and/or architectural character of the proposed development and is consistent, compatible, and in scale within the development and/or neighborhood;**

The proposed signs located on top of the horizontal awnings require the approval of a sign standards waiver. These signs add interest to the building and are consistent with the architectural style. The awning signs are permitted in lieu of walls signs.

2. **The sign design or application is not detrimental to and does not detract from the development or the surrounding community;**

The signs contribute to the overall design of the project and are limited to a small area and are consistent in size and location with the pedestrian oriented zone.

3. **The proposed site or development is so unique that the application of standards signage would detract from the project; and**

The awning location creates a unique location for small signs that are more pedestrian in scale than the wall signs.

4. **For signs located seaward of the first public road inland from the sea, the sign design and scale does not:**
 - a. **Obstruct views to or along the coast from publicly accessible places;**
 - b. **Adversely impact public access to and use of the water;**
 - c. **Adversely impact public recreational use of a public park or beach; or**
 - d. **Otherwise adversely affect recreation, access or the visual resources of the coast.** The subject site is not in the coastal zone.

PUBLIC HEARING NOTICE

Ninety-seven (97) Notices of Public Hearing were mailed on February 13, 2006, to those property owners within the three hundred (300) foot mailing radius, the North Long Beach Project Area Committee (NPAC), the Bixby Knolls Business Improvement Association, the Cerritos Park COA, the Los Cerritos Improvement Association, and the elected representative of the 8th District.

REDEVELOPMENT REVIEW

The project is located in the North Long Beach Redevelopment Project Area. The project has been reviewed by the agency and found to be consistent with the North Long Beach Redevelopment Design Guidelines as conditioned.

ENVIRONMENTAL REVIEW

According to the guidelines to implement the California Environmental Quality Act, a Negative Declaration (ND 02-06) has been prepared for this project and is forwarded to you for concurrent consideration.

IT IS RECOMMENDED THAT THE PLANNING COMMISSION

1. Certify Mitigated Negative Declaration 02-06, and
2. Approve the Lot Merger, Site Plan Review, Sign Standards Waiver and Standards Variance requests, subject to conditions.

Respectfully submitted,

SUZANNE M FRICK,
DIRECTOR OF PLANNING AND BUILDING

By: _____
LYNETTE FERENCZY
PLANNER

Approved: _____
CAROLYNE BIHN
ZONING OFFICER

Attachments

1. Conditions of Approval
2. Location Map
3. Plans & Photos
4. ND 02-06

CONDITIONS OF APPROVAL
SITE PLAN REVIEW, STANDARDS VARIANCE, LOT MERGER
SIGN STANDARDS WAIVER
Case No. 0509-09
Date: March 16, 2006

1. This approval and all development rights hereunder shall **terminate one year** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. The **code exceptions(s) approved** for this project is (are) as follows:
 - a. A two-way driveway location 71' from the intersection (instead of 81');
 - b. Architectural building elements 30' and 33' high as shown on the submitted plans (instead of not more than 28'); and
 - c. Signage located above the awning as provided for in the Sign Program (instead of on the face of the awning).
3. This approval shall be invalid if the owner(s) and/or applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
4. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
5. In the event of **transfer of ownership** of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

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6. All conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
7. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee. The building shall be painted to match the existing building. **No substantial changes** shall be made without prior written approval of the Site Plan Review Committee and/or the Planning Commission.
8. The Director of Planning and Building is authorized to make **minor modifications** to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or Planning Commission, respectively.
9. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site**, at all times for reference purposes during construction and final inspection.
10. Prior to the issuance of a building permit, the applicant must depict all **utility apparatus** such as, but not limited to, backflow devices and electrical transformers, on both the site plan and the landscape plan. When visible from a public street or parking lot, such devices shall be fully screened by landscaping or a screen wall to the satisfaction of the Director of Planning and Building. Above-ground devices shall be prohibited in the required front yard setback where the site has side street or alley access. On lots with side street or alley access, the devices shall be placed either in the side street side yard or adjacent to the alley to the satisfaction of the Director of Planning and Building.
11. The **property** shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
12. Any graffiti found on site must be removed within 24 hours of its appearance.
13. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259.

14. **Energy conserving equipment**, lighting and construction features shall be utilized on the building.
15. All **rooftop mechanical equipment** shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Planning and Building prior to the issuance of a building permit.
16. Adequately sized **trash enclosure(s)** shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
17. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
18. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
19. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
20. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
21. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed.
22. The applicant shall comply with the following conditions to the satisfaction of the Public Works Department:

ENGINEERING BUREAU

- a. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic signal installations and modifications, traffic striping and signing, street tree removals and plantings in the public right-of-way, shall be performed under Public Works street improvement permit. Permits to perform work within the public right-of-way must be obtained from the Public Works counter, 10th Floor of City Hall, 333 West Ocean Boulevard, telephone (562) 570-7084.
- b. All work within the public right-of-way shall be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business License sufficient to qualify the contractor to do the work. The contractor shall have on file with the City Engineer Certification of General Liability insurance and an endorsement-evidencing minimum limits of required general liability insurance.
- c. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. Any such off-site improvements found damaged by the construction of the on-site improvements shall be repaired or replaced by the Developer to the satisfaction of the Director of Public Works.
- d. The Developer shall remove unused driveways and replace with full-height curb, curb gutter, and sidewalk. Sidewalk improvements shall be constructed with minimum 3-inch Portland cement concrete. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Contact the Traffic and Transportation Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- e. The Developer shall reconstruct the depressed/uplifted/deteriorated sections of sidewalk along the perimeter of the project site to the satisfaction of the Director of Public Works.
- f. The Developer shall reconstruct the full width of the abutting north-south alley with new concrete pavement. Alley improvements shall be constructed with minimum 6-inch Portland cement concrete.
- g. The Developer shall reconstruct broken/cracked/offset sections of curbing along the perimeter of the project site.
- h. The Developer shall provide for new landscaping and street trees with root barrier and irrigation spaced 25-feet on center within the parkway on Marshall Place between Atlantic Avenue and the north-south alley. Also, the Developer shall provide for additional 4-foot square tree wells and street trees with root barrier and irrigation on Atlantic Avenue between Marshall Place and East Carson Street. Street trees are not required on East Carson Street between Atlantic Avenue and the north-

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- south alley. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- i. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
 - j. The Developer shall provide on-site alley lighting along the north-south alley.
 - k. The Developer shall submit grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Planning and Building Services and the Director of Public Works prior to approval of the map and/or release of any building permit.
 - l. The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
 - m. The Developer shall submit detailed off-site improvement plans to the Department of Public Works for review and approval.
 - n. After completion of the required off-site improvements, the Developer or project representative shall contact the Engineering Bureau to initiate the process of clearing any Public Works holds attached to the development project. Contact Jorge M. Magaña, Civil Engineering Associate, at (562) 570-6678.
 - o. All traffic control device installations including pavement markings within the parking lot shall be installed in accordance with the Manual On Uniform Traffic Control Devices (MUTCD), 2003 edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
 - p. The Developer shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at the bus stop on East Carson Street. Contact Shirley Hsiro, Manager of Service Development, at (562) 599-8540.
 - q. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
 - r. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.

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23. The applicant shall comply with the following conditions to the satisfaction of the Director of Planning and Building:
 - a. Loading and unloading hours shall be limited to Monday-Saturday 8:00 a.m. to 8:00 p.m., and Sunday 9:00 a.m. to 6:00 p.m. If feasible, loading shall occur from the street during non-business hours only and from the alley or side street during business hours.
 - b. Trash collection shall be limited to Monday-Saturday 8:00 a.m. to 7:00 p.m., and Sunday 8:00 a.m. to 6:00 p.m.
 - c. The disposing of recyclable materials such as cans and bottles shall not occur before 9:00 a.m. and after 8:00 p.m. daily.
 - d. No alterations to the elevations shall occur without Planning Department approval. The installation of an Automated Teller Machine (ATM) shall require a modification to the entitlements.
 - e. Installation of exterior Automated Teller Machines (ATM) is prohibited on the street elevations.
 - f. The applicant shall provide two trash receptacles in the open area between the buildings and provide outdoor seating.
 - g. The parking lot light standard height shall not exceed the height of the parapet of the building and shall be installed with glare shields to prevent spillover onto adjacent property.
 - h. A complete landscape and irrigation plan shall be provided in compliance with Chapter 21.42 of the Long Beach Municipal Code and North Long Beach Design Guidelines. A row of shrubs shall be provided on Marshall Place to screen the parking lot from the street.
 - i. Windows shall have a maximum 8% exterior daylight reflectance.
 - j. A drain for the trash enclosure shall be provided.
 - k. A toe kick plate shall be provided at the base of the building bulkhead.
 - l. If more than 50% of the building is used for restaurant use code required parking shall be provided.
24. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations. For additional information, contact Mike Weber at (562) 570-5805.
25. The Director of Planning and Building shall file a notice of lot merger with the county recorder, specifying the name(s) of the record owner(s) and particularly describing the real property involved. A copy of said notice shall be sent to the Director of Public Works for recordation on the official maps of the city.
26. The applicant shall submit a Sign Program for the review and approval of the Zoning Administrator.

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27. All required utility easements shall be provided to the satisfaction of the concerned department or agency.
28. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
29. Prior to the issuance of a building permit and at the direction of the City Traffic Engineer, the applicant shall conduct peak period traffic movement and pedestrian counts at the intersection of Atlantic Avenue and Marshall Place, as well as 48 hour traffic volume counts on the east-west alley between Atlantic Avenue and Olive Avenue, on Marshall Place between Atlantic Avenue and Olive Avenue, and the north-south alley between Carson Street and Marshall Place. These traffic counts will be used to establish baseline traffic conditions prior to the project. Approximately six (6) months after the building is fully occupied, or at another time as directed by the City Traffic Engineer, the applicant shall conduct the same traffic counts a second time and summarize the findings of both traffic counts efforts in a report submitted to the City Traffic Engineer. Based on the report, the City Traffic Engineer will determine if additional traffic controls or other measures are warranted and will take appropriate action as necessary to cause the implementation of such measures.
30. The applicant shall comply with Negative Declaration Mitigation Monitoring Plan ND 02-06 as follows:

VII. HAZARDS AND HAZARDOUS MATERIALS

VII-1 Prior to the issuance of any grading permit, the applicant shall demonstrate that all tanks on the project site have been properly processed and/or extracted and disposed of in accordance with all applicable State and local codes. Compliance with this mitigation measure shall be demonstrated to the satisfaction of the Director of Planning and Building.

TIMING: Prior to issuance of any grading permit.

ENFORCEMENT: Planning & Building Department

XI. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

XI-1 Prior to the release of any building permit, the applicant shall prepare and submit a Storm Drain Master Plan to identify all storm run-off and methods of proposed discharge. The Plan shall be approved by all impacted agencies.

TIMING: Prior to issuance of any building permit.

ENFORCEMENT: Planning & Building Department

- XI-2 Prior to the release of any building permit, the project plans shall include a narrative discussion of the rationale used for selecting or rejecting BMPs. The project architect or engineer of record, or authorized qualified designee, shall sign a statement on the plans to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities." (Source: Section 18.95.050 of the Long Beach Municipal Code).

TIMING: Prior to issuance of any building permit.

ENFORCEMENT: Planning & Building Department

XII. NOISE

- XII-1 Any person(s) associated with the proposed project shall only operate or permit the operation of any tools or equipment used for site preparation, construction or any other related building activity that produces loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the following hours:

Weekdays	7:00am to 7:00pm	Sundays	No work permitted
Saturdays	9:00am to 6:00pm	Holidays	No work permitted.

The only exception shall be if the Building Official gives authorization for emergency work at the project site.

TIMING: During all phases of construction of the project.

ENFORCEMENT: Building Bureau

31. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
32. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory

agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.